



STATE BOARD OF ELECTIONS

Trey Grayson
Chairman
Secretary of State

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Sarah Ball Johnson
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August 8, 2007

VIA FACSIMILE (512) 252-6556 & U.S. Mail

Mr. Greg L. Burt
President and CEO
Hart InterCivic, Inc.
P.O. Box 80649
Austin, TX 78708

Re: Kentucky Voting System Certification Process

Dear Mr. Burt:

We are in receipt of a copy of the August 8, 2007 letter addressed to you from Attorney General for the Commonwealth of Kentucky, Gregory D. Stumbo, calling "upon Hart to immediately implement in Kentucky all modifications and security upgrades necessary to correct the vulnerabilities identified by California." We would like to take this occasion to remind you of the voting system certification process in Kentucky and to ensure that Kentucky law is followed if Hart InterCivic makes any system upgrades or modifications on voting equipment used in Kentucky elections.

Pursuant to KRS 117.379(1) and KRS 117.381(11), the State Board of Elections may only certify voting systems that meet or exceed all Federal Election Commission voting system standards. As you are aware, the Federal Election Commission's duties in certifying voting systems were subsumed by the Election Assistance Commission ("EAC") created by the Help America Vote Act (HAVA). Therefore, the State Board of Elections may only certify voting systems for use in Kentucky that have first been certified by the EAC.

Pursuant to KRS 117.379(4), "when an electronic voting system has been approved any improvement or changes in the system shall render necessary the examination or approval of such system or improvement." Therefore, if Hart InterCivic makes any improvement or change to any of the systems already certified by the State Board of Elections pursuant to the Kentucky Attorney General's request, then Hart InterCivic must bring those

August 8, 2007
Hart InterCivic
Page 2 of 2

improvements or changes before the State Board of Elections again for review and certification. Furthermore, the State Board of Election may not approve the certification of those improvements or changes until the EAC has issued its certification. Most importantly, pursuant to KRS 117.379(3), Kentucky counties, including your customers, cannot use such improvements or changes in Kentucky elections until such certifications have been issued.

Hart InterCivic has consistently followed this process in the past when requesting certification of its products for use in Kentucky. We have every confidence that Hart InterCivic will adhere to these statutory processes in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trey', with a stylized flourish extending from the end.

Trey Grayson
Secretary of State
Chairman, State Board of Elections
Commonwealth of Kentucky

cc: Roger Baird, President Harp Enterprises
The 96 Kentucky Counties that use the Hart InterCivic Equipment